

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Rogan RR LLC,

Debtor.

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Chapter 11

Case No. 7:13-23532-rdd

Hon. Robert D. Drain

United States Bankruptcy Judge

**ORDER AUTHORIZING EASTERN SAVINGS BANK, FSB TO SERVE SUBPOENAS
PURSUANT TO FED. R. BANKR. P. 2004 DIRECTING BOTH THE
PRODUCTION OF DOCUMENTS AND ORAL DEPOSITIONS**

UPON the application (the “Application”) of Eastern Savings Bank, fsb (“Eastern”) a secured creditor and mortgagee of Rogan RR LLC (the “Debtor”), by and through its attorneys, Kriss & Feuerstein LLP, seeking the entry of an Order authorizing Eastern to serve subpoenas upon the Debtor, and the Debtor’s tenants, including, without limitation, Railroad Transfer, Inc. (“RTI”) and Primem Tristate, LLC (“PTL”) and Quality Materials (“Quality” and together with RTI and PTL, the “Tenants”) all of which are believed to be, or have been located at the Debtor’s real property, commonly known as 225 Railroad Avenue, Bedford Hills, New York (the “Property”), and compelling the examination, under oath, of the Debtor and the Tenants, by their officers, directors or such other persons with knowledge and authority under oath, and for the production of certain records and documents by the Debtor and the Tenants, including (i) production of the documents specified in Eastern Savings Bank, FSB’s First Demand for the Production of Documents and Information (as annexed hereto); (ii) directing the Debtor to appear for depositions; (iii) and if necessary further directing any or all of the Tenants or other related third parties to appear for depositions; and the relief sought by Eastern appearing to be appropriate; after due deliberation, it is hereby

ORDERED, that Eastern’s Application is hereby GRANTED; and it is further

ORDERED, that Eastern is hereby authorized to serve a subpoena upon the Debtor; and it is further

ORDERED, that if necessary, Eastern may further serve a subpoena upon Tenants and/or affiliates of the Debtor including but not limited to such third parties as RTI, PTL and/or Quality; and it is further

ORDERED that the Debtor shall produce those documents as set forth on Schedule "A" annexed to Eastern's Application and that said documents shall be produced by not later than twenty (20) days from the date of entry of this Order; and it is further

ORDERED that any one, or all of the Tenants shall produce those documents as may be further set forth and directed to the Tenants in connection with Eastern's Application and that said documents shall be produced by not later than twenty (20) days from the date of entry of this Order; and it is further

ORDERED that the Debtor, the Tenants and any third-parties served with a subpoena from Eastern shall appear in accordance with the subpoena to be duly served pursuant to this Order, to ensure that their oral testimony may be taken, on a date to be mutually acceptable to the Debtor, or such other affiliates of the Debtor including but not limited to such third parties as RTI, PTL and Quality, which date may be no earlier than ten (10) days from the date of entry of this Order; and it is further

ORDERED that service of a copy of this Application, Order and any subpoenas by First Class Mail upon the Debtor, its Tenants, including without limitation, RTI, PTL and Quality or affiliates of the Debtor or the Tenants at the Property as indicated on the Debtor's petition and monthly operating reports as supplied by the Debtor, or such other address as may be discovered,

or upon their counsel, at least fourteen (14) days prior to the date of the scheduled examination, shall be deemed good and sufficient notice and service of this Order and subpoena; and, it is further

ORDERED, that the examinations of the Debtor as well as RTI, PTL and Quality may continue from day to day until they are completed; and it is further

ORDERED, that Eastern may take such actions and execute such documents in accordance with the terms and conditions of this Order; and it is further

ORDERED that this Court shall retain jurisdiction over this Order to enforce the provisions herein, and to resolve any controversies that may arise hereunder.

Dated: _____
White Plains, New York

Hon. Robert D. Drain
United States Bankruptcy Judge